

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

TERRY RAY BAIN,

Defendant.

8:08CR210

ORDER

This matter is before the court on the motion to sever (Filing No. 37) and the motion to compel (Filing No. 62) filed by Terry Ray Bain (Bain). Bain is now charged in a seven-count Superseding Indictment (Filing No. 74) with violating 18 U.S.C. §§ 371, 2312, 2313, 2314, and 2315, by conspiring to receive, possess, and transport, and receiving, possessing, and transporting stolen property and motor vehicles across state lines, and selling stolen property in the State of Nebraska. Bain is further charged with two counts of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g). The indictment seeks forfeiture of Bain's firearms pursuant to 18 U.S.C. §§ 924(d) and 2461(c).

Bain moved to sever the trial of Counts 5 and 6 pertaining to the possession of a firearm after having been convicted of a felony from the trial of the remaining counts of the Indictment. Count 7 also related to the firearms but was not included in the motion to sever. Bain also moves to compel the disclosure of grand jury proceedings. Subsequent to the filing of these motions, the grand jury returned a Superseding Indictment. Bain has not renewed these motions following the return of the Superseding Indictment. The motions filed under the original Indictment (Filing Nos. 37 and 62) are denied as moot without prejudice to reassertion.

IT IS SO ORDERED.

DATED this 7th day of April, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge